

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed February 23, 2005. Claims 1-4, 6-16, 18-46, and 48-51 are pending in the Application and are rejected in the Office Action. For the reasons given below, Applicants believe all claims to be allowable over the cited references. Therefore, Applicants respectfully request reconsideration and full allowance of all pending claims.

The Office Action rejects Claims 1-4, 6-16, 18-46, and 48-51 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,389,130 issued to Shenoda et al. ("*Shenoda*") in view of U.S. Patent No. 6,144,727 issued to Mashinsky ("*Mashinsky*"). In order to establish a prima facie case of obviousness, three requirements must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge available to one skilled in the art, to modify a reference or combine multiple references; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or combination of references) must teach or suggest all of the claim limitations. M.P.E.P. § 2143. In the present case, a prima facie case of obviousness cannot be maintained at least because, even assuming for the sake of argument that there is a motivation to combine the references, *Shenoda* and *Mashinsky*, whether considered singly, in combination with one another, or in combination with information generally available to those of ordinary skill in the art at the time of the invention, still fail to disclose all of the elements of the pending claims.

Independent Claims 1, 13, 33, and 44 are Allowable over *Shenoda* and *Mashinsky*

Claim 1 of the Application recites the following:

A method for call routing, comprising:
receiving a call request at a first call manager from a first telephony device coupled to a packet-based network, the call request including a telephone number associated with a second telephony device;
accessing a route list associated with the telephone number to determine a port of a gateway device operable to transmit the call request to the second telephony device, wherein the route list comprises one or more route groups, each route group including a list of one or more ports of one or more gateway devices; and

communicating the call request to a second call manager controlling the gateway device included in the route list.

Claims 13, 33, and 44 recites similar, although not identical, limitations.

The Examiner has supplemented the previous rejection of these claims as being anticipated by *Shenoda* by combining *Mashinsky* with *Shenoda*. In this regard, the new rejection asserts that *Mashinsky* discloses the limitation of Claim 1 that recites a “route list [that] comprises one or more route groups, each route group including a list of one or more ports of one or more gateway devices.” The Examiner cites to Figure 1A, Figure 13, Column 21 lines 50-65, Column 22, lines 56-66, and Columns 25-26 lines 66-5 of *Mashinsky* to support the rejection with respect to this limitation. However, Applicants respectfully submit that these passages do not include any disclosure that is related to route lists, much less a route list that comprises *one or more route groups, each route group including a list of one or more ports of one or more gateway devices*, as recited in Claim 1 (and similarly, although not identically, in Claims 13, 33, and 44). It is unclear to Applicants how and why the Examiner is using *Mashinsky*. Although *Shenoda* also does not teach this limitation, as discussed in the Appeal Brief, it at least has some disclosure regarding routing tables. *Mashinsky* does not even appear to have this type of disclosure.

Again, Claims 1, 13, 33, and 44, require that the route list comprise route groups that themselves contain “one or more ports of one or more gateway devices.” The Examiner has still not provided a teaching of any reference that discloses this limitation. The Examiner has re-opened prosecution in light of *Mashinsky*; however, *Mashinsky* does not add anything to the Examiner’s rejection. For at least this reason, Applicants respectfully request that reconsideration and allowance of Claims 1, 13, 33, and 44.

Furthermore, it should also be noted that the Office Action rejects Claim 25 using the same arguments as those for Claims 1, 13, 33, and 44 (at least it is rejected in the same paragraph of the Office Action). However, the arguments that are provided do not address the additional limitations of Claim 25, which recites, in part, a device manager operable to

receive a signal indicating that a third call manager has come on-line in the packet-based network. In previous rejections, the Examiner has stated that *Shenoda* discloses this limitation (citing *Shenoda*, Column 6, lines 39-46 and Column 10, lines 11-28 and 52-58). *Shenoda* discloses global routing tables and system routing tables that contain telephone information that can be used to route telephone calls. (*Shenoda*, Column 6, lines 39-46). *Shenoda* also discloses that an initial address message (IAM) is generated by a service switching point and used to determine a route for the call and that a call manager uses a resource manager to determine an egress interface for the call. (*Shenoda*, Column 10, lines 17-24). However, *Shenoda* fails to disclose a signal indicating that a third call manager has come on-line in the packet-based network, as recited in Claim 25. For at least this additional reason, Claim 25 is allowable over *Shenoda*. Therefore, Applicants respectfully request reconsideration and allowance of Claim 25.

Moreover, the Office Action also rejects Claims 12, 34, and 38 using the same arguments as those for Claims 1, 13, 33, and 44 (at least they are rejected in the same paragraph of the Office Action). However, Claims 12 and 38 depend from Claims 10 and 37, respectively, which are rejected based on arguments in other paragraphs of the Office Action. Applicants assume for the purposes of this Response that these claim rejections should go along with their respective parent claims. Furthermore, Claim 34 recites limitations that are similar to those of Claims 3, 15, and 45. Thus, Applicants assume for the purposes of this Response that this claim is rejected for the same reason as these related claims (which are addressed in Paragraph 7 of the Office Action). These claims are addressed together below.

The Dependent Claims are Also Allowable over *Shenoda* and *Mashinsky*

Dependent Claims 2-4, 6-12, 14-16, 18-32, 34-43, 45-56, and 48-51 depend from, and incorporate all of the limitations of independent claims 1, 13, 33, or 44, which are allowable for the reasons discussed above. Therefore, dependent Claims 2-4, 6-12, 14-16, 18-32, 34-43, 45-56, and 48-51 are allowable as they depend from allowable base claims. In addition to their dependence on allowable base claims, at least dependent Claims 3-4, 11, 15-16, 18,

23-24, 26, 34-35, 37, 45-46, and 48 are also allowable because they each contain additional limitations not disclosed in *Shenoda*, as described below.

Claims 3, 15, 34, and 45 are Allowable over *Shenoda* and *Mashinsky*

The Examiner has supplemented the previous rejection of these claims as anticipated by *Shenoda* by combining *Mashinsky* with *Shenoda*. In this regard, the new rejection asserts that *Mashinsky* discloses the limitation of Claim 3 that recites "accessing a registration information table to determine a process identification (PID) of a route list control process." Claims 15, 34, and 45 recite similar, although not identical, limitations. The Examiner cites to "originating toll switch 14" and Columns 20-21, lines 61-19 of *Mashinsky* to support the rejection with respect to this limitation. However, Applicants respectfully submit that this passage does not include any disclosure that is related to a registration information table, a PID, or a route list control process. Again, it is unclear to Applicants how and why the Examiner is using *Mashinsky*. For at least this additional reason, Applicants respectfully request reconsideration and allowance of Claims 3, 15, 34, and 45.

Claims 4, 16, 35, and 46 are Allowable over *Shenoda* and *Mashinsky*

Claim 4 recites, in part, accessing a route list to obtain the device name and a port number of the gateway device. Claims 16, 35, and 46 recite similar, although not identical, limitations. The Examiner rejects these claims along with Claims 3, 15, and 45, discussed above. However, the Examiner does not mention any portion of *Mashinsky* that contains a disclosure of accessing a route list to obtain the device name and a port number of the gateway device (this is not one of the limitations that the Examiner indicates that *Shenoda* does not teach but that *Mashinsky* does teach). The cited passages do not relate to this limitation. If the Examiner is relying on the previous rejection of these claims based on *Shenoda* alone, then the Applicants have the same response as in the Appeal Brief. More specifically, the Examiner stated in the previous Office Action that *Shenoda* discloses this limitation at Column 5, lines 32-38 and 51-63, and Column 6, lines 39-52. These passages of *Shenoda* merely disclose that a multi-purpose switch uses source and destination information

to establish a connection over an ATM network, where an ATM cell header can include VPI and VCI information used to route calls. *Shenoda* fails to disclose a route list containing a device name and a port number for a gateway device, let alone accessing a route list to obtain the device name and a port number of the gateway device. For at least this additional reason, Claims 4, 16, 35, and 46 are allowable over *Shenoda*. Therefore, Applicants respectfully request reconsideration and allowance of Claims 4, 16, 35, and 46.

Claims 6, 11, 18, 37, and 48 are Allowable over *Shenoda* and *Mashinsky*

Claim 6 recites, in part, accessing a device name mapping table using the device manager to determine a PID of a first device process executed by the second call manager and controlling the gateway device. Claims 11, 18, 37, and 48 recite similar, although not identical, limitations.¹ The Examiner has supplemented the previous rejection of these claims as being anticipated by *Shenoda* by combining *Mashinsky* with *Shenoda*. In this regard, the new rejection asserts that *Mashinsky* discloses the above limitation at Column 21, lines 50-65, Column 22, lines 56-66, and Columns 25-26, lines 66-5. However, these passages simply are not related to this limitation. *Mashinsky* fails to disclose a *device mapping table*, let alone accessing the device mapping table to determine a process identification of a first device process executed by a second call manager, as recited in Claim 6, and similarly, although not identically, in Claims 11, 18, 37, and 48. For at least this additional reason, Applicants respectfully request reconsideration and allowance of Claims 6, 11, 18, 37, and 48.

Claim 23 is Allowable over *Shenoda* and *Mashinsky*

Claim 23 recites, in part, a device manager operable to receive a signal indicating that a new gateway device has registered with the call manager. The Examiner rejects Claim 23 in the same paragraph in which Claims 6, 11, 18, 37, and 48 are rejected. However, the Examiner does not mention any portion of *Mashinsky* that the Examiner asserts as containing

¹ The Office Action rejects Claim 11 in Paragraph 7. However, Claim 11 contains similar limitations to Claims 6, 18, 37, and 48, which are rejected in Paragraph 8. Therefore, Applicants assume for the purposes of this Response that Claim 11 is rejected under the same reasoning as Claims 6, 18, 37, and 48.

a disclosure of a device manager operable to receive a signal indicating that a new gateway device has registered with the call manager (this is not one of the limitations that the Examiner indicates that *Shenoda* does not teach but that *Mashinsky* does teach). The cited passages do not relate to this limitation. If the Examiner is relying on the previous rejection of these claims based on *Shenoda* alone, then the Applicants have the same response as in the Appeal Brief. More specifically, the Examiner stated in the previous Office Action that *Shenoda* discloses this limitation (citing *Shenoda*, Columns 9-10, lines 66-28). However, *Shenoda* merely discloses: (1) that permanent virtual connections (PVCs) can be maintained between multiple service modules and a system controller, (2) that an initial address message (IAM) is generated by a service switching point and used to determine a route for the call, and (3) a call manager uses a resource manager to determine an egress interface for the call. *Shenoda* fails to disclose a signal indicating that a new gateway device has registered with the call manager, as recited in Claim 23. For at least this additional reason, Claim 23 is allowable over *Shenoda*. Therefore, Applicants respectfully request reconsideration and allowance of Claim 23.

Claim 24 is Allowable over *Shenoda* and *Mashinsky*

Claim 24 of the present invention recites:

The call manager of Claim 18, wherein the device manager is further operable to:

receive a signal indicating that a gateway device is no longer under the control of the call manager;

delete the device name and associated PID of the gateway device from the device name mapping table; and

communicate a deletion signal to the second call manager coupled to the packet-based network indicating that the device name and associated PID should be deleted from a device name mapping table of the second call manager.

The Examiner rejects Claim 24 in the same paragraph in which Claims 6, 11, 18, 37, and 48 are rejected. However, the Examiner does not mention any portion of *Mashinsky* that the Examiner asserts as containing a disclosure of the above limitations (these are not any of the limitations that the Examiner indicates that *Shenoda* does not teach but that *Mashinsky*

does teach). The cited passages do not relate to the limitations quoted above. If the Examiner is relying on the previous rejection of these claims based on *Shenoda* alone, then the Applicants have the same response as in the Appeal Brief. More specifically, the Examiner stated in the previous Office Action that *Shenoda* discloses these limitations (again citing *Shenoda*, Columns 9-10, lines 66-28). As discussed above, the cited passage of *Shenoda* merely discloses: (1) that permanent virtual connections (PVCs) can be maintained between multiple service modules and a system controller, (2) that an initial address message (IAM) is generated by a service switching point and used to determine a route for the call, and (3) a call manager uses a resource manager to determine an egress interface for the call. However, *Shenoda* fails to disclose: (1) a signal indicating that a gateway device is no longer under the control of the call manager, and (2) a deletion signal indicating that the device name and associated PID should be deleted from a device name mapping table of the second call manager, as disclosed in Claim 24. Furthermore, *Shenoda* fails to disclose a device manager operable to delete the device name and associated PID of the gateway device from the device mapping table, as recited in Claim 24. For at least these additional reasons, Claim 24 is allowable over *Shenoda*. Therefore, Applicants respectfully request reconsideration and allowance of Claim 24.

Claim 26 is Allowable over *Shenoda* and *Mashinsky*

Claim 26 recites, a device manager operable to receive a signal indicating that the second call manager has gone off-line and delete the device name and associated PID of the gateway devices controlled by the second call manager. The Examiner rejects Claim 26 in the same paragraph in which Claims 10, 21, 22, 41, 50, and 51 are rejected. However, the Examiner does not mention any portion of *Mashinsky* that the Examiner asserts as containing a disclosure of the above limitation (this is not one of the limitations that the Examiner indicates that *Shenoda* does not teach but that *Mashinsky* does). The cited passages do not relate to this limitation. If the Examiner is relying on the previous rejection of these claims based on *Shenoda* alone, then the Applicants have the same response as in the Appeal Brief. More specifically, the Examiner stated in the previous Office Action that *Shenoda* discloses this limitation (citing *Shenoda*, Column 2, lines 39-58). The cited passage of *Shenoda*

discloses that if a destination telephone is not coupled to a service switching point (SSP), the call information is routed to the appropriate SSP to relay the call. However, *Shenoda* fails to disclose a signal indicating that a second call manager has gone-off line, as recited in Claim 26. For at least this additional reason, Claim 26 is allowable over *Shenoda*. Therefore, Applicants respectfully request reconsideration and allowance of Claim 26.

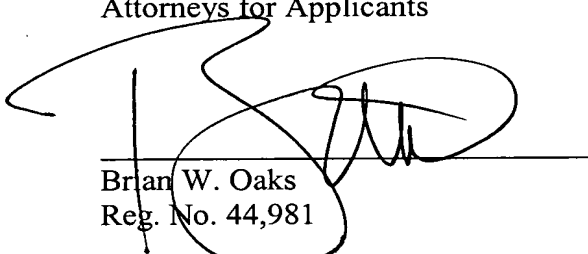
CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicants, at the Examiner's convenience at (214) 953-6986.

Although no fees are believed to be due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicants



Brian W. Oaks
Reg. No. 44,981

Date: May 23, 2005

Correspondence Address:

Customer Number 05073